

Message Text

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42

ACTION EB-07

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 CIAE-00 COME-00

DODE-00 DOTE-00 FMC-01 INR-07 NSAE-00 SAL-01 CG-00

DLOS-06 OES-06 L-03 SP-02 PA-01 PRS-01 USIA-06 AID-05

CEA-01 FRB-03 CIEP-01 STR-04 TRSE-00 LAB-04 SIL-01

SAM-01 OMB-01 SS-15 NSC-05 ITC-01 AGR-05 OIC-02 /123 W

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R 161205Z AUG 76

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 7711

INFO AMEMBASSY BONN

AMEMBASSY COPENGAGEN

AMEMBASSY DUBLIN

AMCONSUL HAMBURG

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: ETRN, UNCTAD, OECD, EEC, BE

SUBJECT: EC MARITIME TRANSPORT -- UN LINER CODE

REF: (A) STATE 194669 (NOTAL), (B) EC BRUSSELS 7772 (NOTAL),
(C) EC BRUSSELS 7586 (NOTAL)

1. WE DISCUSSED THE UN LINER CODE WITH BELGIAN MERCHANT

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MARINE BUREAU OFFICIALS PLUYMERS (DIRECTOR) AND VAN DER AUWERA

(ASSISTANT COUNSELOR). PLUYMERS CONFIRMED THE GENERAL LINES OF THE UNDERSTANDING WITH THE EC COMMISSION ON DELAY OF RATIFICATION AS DESCRIBED IN REF C. HE COMPLAINED THAT PRESS TREATMENT OF THIS MATTER WAS MISLEADING, CITING IN PARTICULAR A LONDON TIMES ARTICLE ON THE SUBJECT WHICH SUGGESTED THAT THE THREE EC SIGNERS HAD ABANDONED THEIR POSITIONS AS A RESULT OF THE COMMISSION THREAT TO TAKE THE CASE TO THE EUROPEAN COURT OF JUSTICE. PLUYMERS MAINTAINED THAT BOTH THE COMMISSION AND THE THREE EC SIGNERS (BELGIUM, FRG AND FRANCE) HAD STUCK TO THEIR PREVIOUS POSITIONS, AGREEING ONLY THAT NEITHER SIDE WOULD TAKE FURTHER STEPS UNTIL THE QUESTION OF COMPATIBILITY OF THE TERMS OF THE LINER CODE WITH THOSE OF THE TREATY OF ROME COULD BE SATISFACTORILY RESOLVED. (THIS DESCRIPTION CORRESPONDS ESSENTIALLY TO THAT OF THE EC COMMISSION IN PARAGRAPH 2 OF REF B)

2. PLUYMERS WAS DISPLEASED WITH THE MANNER IN WHICH THE EC COMMISSION HANDLED THIS ISSUE. HE SAID THAT AT FIRST THE COMMISSION TOLD THE THREE SIGNERS THAT THEY SHOULD REINFORCE THEIR ORIGINAL RESERVATIONS EXPRESSED AT THE TIME OF SIGNING (I.E., THAT THEY SIGNED SUBJECT TO THE NECESSITY OF CONFORMING TO CONSTITUTIONAL REQUIREMENTS AND TO TREATY OBLIGATIONS) AND SHOULD DECLARE THAT THEY WOULD TAKE NO FURTHER STEPS TOWARD RATIFICATION UNTIL ALL DOUBTS HAD BEEN SATISFIED. THE BELGIANS FELT THIS WAS UNCALLED FOR AND WITHOUT PRECEDENT. IN ADDITION, THEY POINTED OUT THAT SUCH A STATEMENT WOULD OFFEND THE DEVELOPING COUNTRIES THAT HAD SIGNED THE LINER CODE. THOSE COUNTRIES WOULD JUDGE THE REINFORCEMENT OF RESERVATIONS BY THE EC SIGNERS AS EVIDENCE OF AN EC "CONSPIRACY" TO GO BACK ON PREVIOUS COMMITMENTS. THE BELGIANS ARGUED THAT, WHILE THEY HAD NO INTENTION OF PROCEEDING TO RATIFICATION AS LONG AS THERE IS A QUESTION ABOUT COMPATIBILITY WITH THE TREATY OF ROME, A PUBLIC DECLARATION TO THAT EFFECT WOULD SERVE NO USEFUL PURPOSE AND MIGHT, IN FACT, CREATE TROUBLE WITH THE LDCS. THUS THEY INTERPRET THE DEAL WITH THE COMMISSION AS BASICALLY A CONFIRMATION OF WHAT THEY WERE ALREADY DOING.

3. PLUYMERS SAID THAT ONE POSSIBLE RESOLUTION OF THIS INTRA-EC DISPUTE WOULD BE AGREEMENT THAT EC COUNTRIES COULD ADHERE TO LIMITED OFFICIAL USE

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THE CODE IF CERTAIN CHANGES WERE INTRODUCED. IN THAT CASE, THERE WOULD BE NO OPPORTUNITY FOR BELGIM OR THE OTHERS TO TAKE STEPS TOWARD RATIFICATION UNTIL AFTER THE REVISION CONFERENCE PLANNED FOR 1979. THE DEAL WITH THE EC COMMISSION ENTAILS ADMISSION OF THIS POSSIBILITY, BUT PLUYMERS ASSERTED NONETHELESS THAT THE PLEDGE NOT TO RATIFY IS NOT FOR ANY FIXED LENGTH OF TIME. RENNER

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